

TOWN BOARD REGULAR MEETING June 27, 2022 - 6:00 pm

Public Hearing – Site Plan / Special Use Permit Montante Solar – Niagara University

PRESENT: Supervisor S. Broderick; Councilmembers W. Geiben, J. Jacoby, R. Morreale and J. Myers (ZOOM); Deputy Sup. W. Conrad, Atty. A. Bax; Highway Supt. Trane; Police Chief Previte; Bldg. Insp. T. Masters; Water Foreman Zahno; Finance Director J. Agnello; Eng. R. Lannon; Senior Center Director M. Olick; WWTP Chief Opt. J. Ritter; Recreation Director C. Cvijetinovic (ZOOM); 17 residents, and Clerk D. Garfinkel

Supervisor opened the meeting with the Pledge of Allegiance and a moment of Silent Reflection.

Clerk read Public Hearing Notice into the record:

PLEASE TAKE NOTICE that a Public Hearing will be held by the Town of Lewiston Town Board, Niagara County, NY, on the 27th day of June, 2022, commencing at 6:00 P.M., at the Town Hall, 1375 Ridge Rd, Lewiston, NY, to hear and consider the following property and property owner/applicant: OWNER/APPLICANT: Niagara University / Montante Solar
PROPERTY LOCATION: A portion of the campus of Niagara University, 5759 Lewiston Rd, Town of Lewiston, County of Niagara, State of New York (Tax Map No. 115.00-1-12)

TO CONSIDER APPLICATION FOR A SPECIAL USE PERMIT AND SITE PLAN REVIEW for a ground mounted utility grade solar energy system on said premises.

All interested parties will be heard by the Town of Lewiston Town Board at said Public Hearing. A full copy of the application is available for review at the Town of Lewiston Building Inspector's office during normal business hours.

Dated: June 17, 2022

By Order of the TOWN OF LEWISTON SUPERVISOR

Supervisor invited residents to address the Board.

Katie Soscia - Montante Solar has been working with Niagara University for the last 2 years. Soscia introduced those present: Robert Morreale – Chief Financial Officer at NU and Dan Montante – President of Montante Solar.

NU's Morreale said both he and his children have graduated from Niagara University. Niagara changes lives, it changed his and his children's.

Niagara University is proud to be part of Lewiston. Morreale thanks the Board for the opportunity to be here to discuss this project.

Morreale attended a trade-show in Texas awhile back and there were several Solar vendors. You could see why Universities are adopting the solar energy process.

Morreale said the reason this is needed, is students now are looking for green energy, reusable energy. Niagara is doing everything it can to keep itself competitive. This solar farm is one of the biggest things. The Power Authority gives Niagara University hydro power at 100% to cover the electric.

This is a 4 mega/watt, 17½ acre solar plot, to be used by the students as a class room. There are 10 to 12 classes that are environmentally related, with hopes of moving to 20 to 25. It will become a career path for them.

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Soscia discussed the property.

The application has gone before the Zoning Board of Appeals to request necessary variances. The Site Plan approval process has been completed. Part of the Site Plan process was improving the landscaping, which has been addressed.

Another item addressed with the Planning Board was the De-Commissioning Plan. When first submitted there was not a contingency that the Town wanted to see. It has been since resubmitted with 25% contingency on top of the full decommissioning costs. A 2.5% inflation rate has been included. The application also contains a letter from a company stating that the panels can be recycled and the cost. Updates have been made to the plan in regards to the fire access road.

These are single access trackers, which means they will follow the sun throughout the day. It was designed this way because the University is pursuing a solar project and they need the latest and greatest technology to stay relevant.

The property does have a wetland area, and after so much back and forth with DEC it was decided to just leave it.

Broderick has been working with Niagara University, Montante Solar and Father Mahar thru the whole process. There have been many questions by the Zoning Board of Appeals. Broderick supports this project.

Broderick feels Montante Solar did a great job, by listening to and addressing the Zoning Board's concerns.

Geiben MOVED to close the Public Hearing, Seconded by Jacoby and Carried 5 – 0. (6:12 pm)

AGENDA APPROVAL

Additions: Bax - Execution of SRO Contracts; Jacoby – Niagara University Solar.

Morreale MOVED to approve the agenda as amended, Seconded by Jacoby and Carried 5 – 0.

DEPARTMENT HEAD STATEMENTS

Chief Previte - Intends to have names of officers to fill the position of the SRO for the schools at the July meeting.

Building Inspector Masters – The Town received three (3) bids for partitions at the Sanborn Town Park bathroom. Fast Partitions Sales - \$3,256.00; Kamco Supply - \$3,977.50; HBS Supply - \$3,900. Deputy Building Inspector Zimmerman, recommended Fast Partitions Sales for \$3,256.

Most of the work has been completed. Painting, poxy on the floor, fence is stained, water heater in, new fixtures. Sanborn Fire Company did the upgrading of the electricity.

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Morreale MOVED to approve the bid from Fast Partitions Sales in the amount of \$3,256, Seconded by Jacoby and Carried 5 – 0.

Water Foreman Zahno – In regards to the new River Road Park, a new waterline is necessary. There are new retaining walls and the waterline goes underneath them. This needs to be drilled. Zahno reached out to several people and received one quote.

Jacoby MOVED to accept the bid from CCI in the amount of \$3,400, Seconded by Geiben and Carried 5 – 0.

Zahno requests to hire Johnson, Matt, \$16/hour - Water Dept. Summer Help, starting 2nd week in July.

Morreale MOVED to hire Johnson, Matt, \$16/hour - Water Dept. Summer Help, Seconded by Geiben and Carried 5 – 0.

Town Engineer Lannon – The Waterline Project is closing out. The Milherst Construction contract is \$1.247 million under bid and Engineering was under by \$1,600.

Highway Superintendent Trane – Trane requests to go out to bid for Wood Chipping.

Geiben MOVED to authorize Trane to go out to bid for Wood Chipping, Seconded by Morreale and Carried 5 – 0.

Trane notified the Board he will be moving \$256,217, from Highway fund balance to move forward with paving of Simmons and Albright Roads.

Morreale MOVED the transfer of \$257,217 from Highway Fund balance to cover the cost of paving Simmons and Albright Roads, Seconded by Jacoby and Carried 5 – 0.

Trane said River Road Park is moving along. Rockwall is complete as of today. Landscaping should be completed by the end of the week.

APPROVAL OF MEETING MINUTES

Geiben MOVED to approve Town Board Meeting Minutes of May 23, 2022, Seconded by Morreale and Carried 5 – 0.

AUDIT PAYMENT

Morreale MOVED to approve the Regular Abstract of claims numbered 21-01786 and 22-01364 thru 22-01603 and recommend payment in the amount of \$527,614.14, plus a Post-Audit of \$366,187.18, Seconded by Jacoby and Carried 5 – 0.

Morreale MOVED to approve the Regular Abstract of claims numbered 21-02086 and 21-02837 and 22-01604 thru 22-01760 and recommend payment in the amount of \$393,283.84, plus a Post-Audit of \$8,537.18, Seconded by Geiben and Carried 5 – 0.

PENDING / OLD BUSINESS - None

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NEW BUSINESS - Residents / Public Correspondence - None

SUPERVISOR BRODERICK

IRS Mileage rate to increase, effective July 1st, to 62.5¢/mile.

Broderick MOVED to raise the mileage rate to the IRS rate effective July 1, 2022 to 62.5¢/mile, Seconded by Morreale and Carried 5 – 0.

Fire Inspector Hire

Board received a letter from Les Myers, Chairman of the Bureau of Fire Prevention requesting to hire Christopher Finitz as Part-time Building Inspector assigned to the Fire Prevention Bureau, starting June 29th at \$22.98/hour. Don Consentino will assist in training for two weeks.

Morreale MOVED to hire Christopher M. Finitz as Part-time Building Inspector assigned to the Fire Prevention Bureau, starting June 29th at \$22.98/hour, Seconded by Jacoby and Carried 5 – 0.

Resolution 2022–008 – Confirm addition of Supervisors name

The Town approved a Resolution back in May for the EPG Program. The Town has since been notified that the Resolution is required to have the Supervisor's name, not just "Supervisor". Therefore, the Resolution needs to be amended to incorporate Steve Broderick.

Jacoby MOVED to approve the following Resolution, Seconded by Morreale,

NOW, THEREFORE, BE IT RESOLVED, that the Town of Lewiston is authorized to execute a Grant Agreement with the NYS Environmental Facilities Corporation and any and all other contracts, documents, and instruments necessary to bring about the project and to fulfill the Town of Lewiston's obligations under the Grant Agreement.

Authorization and Appropriation of Local Match

Local match is a minimum of 20% of the EPG grant award.

NOW, THEREFORE, BE IT RESOLVED, that the Town of Lewiston authorizes and appropriates a minimum 20% local match as required by the Engineering Planning Grant Program (EPG) for the Phase 2 EPG Project. Under the EPG program, this local match must be at least 20% of the EPG grant award of \$30,000. The source of the local match, and any amount in excess of the required match, shall be provided by the Town's General Fund. The maximum local match shall not exceed \$6,000 based upon a total estimated maximum project cost of \$36,000. Town of Lewiston Supervisor Steve Broderick may increase this local match through the use of in-kind services without further approval from the Town of Lewiston Town Board.

SEQR Determination (Type II)

WHEREAS, Title 6 of the New York Code of Rules and Regulations (6 NYCRR) Section 617.5 under the State Environmental Quality Review Act (SEQR) provides that certain actions identified in subdivision (c) of that section are not subject to environmental review under the Environmental Conservation Law;

NOW, THEREFORE BE IT RESOLVED that the Town of Lewiston hereby determines that the proposed Phase 2 EPG Project is a Type II action in accordance with 6

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NYCRR Section 617.5(c) (cite the specific subparagraph or subparagraphs that apply to your project i.e., options

(1) through (46)) which constitute(s) the (provide quotation of the text of the cited subparagraph(s) above which apply and is therefore not subject to further review under 6NYCRR Part 617.

Carried 5 – 0.

Lewiston-Porter School reached out to Town Police regarding instituting a 3-year SRO contract. Broderick said this will be identical to Niagara-Wheatfield. There is no cost the Town. They currently hire off-duty Lewiston Police Officers.

Jacoby MOVED to approve an SRO Contract with Lewiston-Porter for a term of three (3) years, Seconded by Geiben, and Carried 5 – 0.

Jacoby MOVED to authorize the Supervisor to sign said contract with Lewiston-Porter, Seconded by Geiben and Carried 5 – 0.

Niagara-Wheatfield is requesting two officers for a 5-year contract.

Morreale MOVED to approve an SRO Contract with Niagara-Wheatfield for a term of five (5) years, and an additional officer, Seconded by Jacoby and Carried 5 – 0.

Jacoby MOVED to authorize the Supervisor to sign said contract with Niagara-Wheatfield, Seconded by Geiben and Carried 5 – 0.

Engineering

Road dedication – Essex Homes

Lannon submitted a letter to the Town Board to advise them that the construction of Town infrastructure (roadway, curbs, storm sewer, sanitary sewer, and water) for the Patios at Essex Phase 1 is complete. The site development was constructed in substantial conformance with the approved Public Improvement Permits (PIP) and final plat documents.

The following information and supporting documents have been received and accepted as complete for purposes of PIP closeout and Town dedication:

- Niagara County Department of Health (NCDOH) approval of constructed facilities in connection with the water and sewer system (water system extension approval: February 16, 2022, sewer approval February 28, 2022).
- Final Site walkthrough by the Department heads was completed. Individual Department emails to accept dedication were issued via email to the Town Clerk's office.
- The Final Plat Map – Phase 1 was filed at the County Clerk's Office on May 23, 2022. The transfer of the 10 ft. x 200 ft. parcel to the Bridal Path Homeowner's Association (HOA) must be confirmed.

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- A GHD project binder is being compiled and will be provided to the office of the Highway Department, Building Department and Town Clerk for Town record no later than July 1, 2022. The binder will include copies of applications for approval, test results, and approval letters
- from the NCDOH, GHD inspection reports, MS4 compliance inspection reports, field drawings, construction photos, and approved shop drawings.
- Draft public roadway dedication descriptions have been submitted to the Town Attorney for final approval. The developer has been directed to coordinate with the Town Attorney for subsequent filing upon Town dedication.
- The required 2-year Maintenance Bond (site development and roadway) has been submitted.
- The right-of-way (ROW) was hydroseeded on June 22, 2022. It is not yet established, and the ROW is very rough in many areas. The ROW should be fine graded, topsoiled and hydroseeded by October 15, 2022.
- The Phase 1 pond was hydroseeded on June 22, 2022 and is not yet stabilized. This is a requirement for compliance with the SWPPP and SPDES permit and will remain the responsibility of the developer until fully stabilized.
- Record drawings for the project's Town-owned facilities (water, sanitary, and storm) have been reviewed and approved by this office. Copies of the record drawings, including an electronic version, were issued to the Town on June 23, 2022.
- The developer has coordinated with the Highway Department for the installation of no parking signs. In addition, a minimum of four warning signs must be installed around the perimeter of the pond.

Bax said the paperwork seems to be in order and recommends the Board accept Lannon and Trane's recommendations.

In regards to the sliver of land, Bax has a copy of the deed transferring it from The Patios at Essex Ridge, LLC to the Saddlewood of Lewiston Homeowners Association, Inc. This is in the process of being taken care of.

Supervisor read into the record the Dedication And Release Of Lands For Town Highway that was signed by Essex. The Consent Of Town Board To Proposed Town Highway should have been read. Read as follows:

Broderick MOVED to accept, Seconded by Jacoby

CONSENT OF TOWN BOARD TO PROPOSED TOWN HIGHWAY

In the Matter of the Laying out of a certain Town highway in the Town of Lewiston, County of Niagara and State of New York

UPON READING AND FILING the application of Phil Nanula, Managing Partner of Essex Homes, LLC dated and acknowledged on June 27, 2022 and the dedication and release of the said owner dated and acknowledged on the same day, dedicating and releasing the necessary lands for a portion of proposed town highway in said Town of Lewiston, State of New York, being part of Lot Thirty Two (32), Township Fourteen (14), Range Nine (9) of the Holland Land Company Survey as shown on a Map Cover Phase 1 The Patios at Essex Ridge, which Map was filed in the Niagara County Clerk's Office on May 23, 2022 under Map Cover #M2022-00015,

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a copy of which is annexed and incorporated hereto as Exhibit A for purpose of identification and description, and which a copy of which is annexed hereto and made a part thereof, it is hereby

RESOLVED, that upon the filing of said dedication, the name of the highways as dedicated herein shall be BRIDAL PATH LANE and THE VILLAGE GREEN and it is further

RESOLVED, that in accordance with the provisions of Section 171 of the Highway Law of the State of New York, consent be and same is hereby given that the Town Superintendent of Highways of the Town of Lewiston make an order laying out the aforesaid town highways, the said highways to consist of the land described in the said dedication and release; and it is further

RESOLVED, that the Town Clerk be and she hereby is directed to forthwith cause such release to be recorded in the Office of the Clerk of the County of Niagara and, upon its return, to file the same in the Office of the Town Clerk. Dated this 27th day of June, 2022.

Roll Call: Councilman Geiben – Yes / Councilman Jacoby – Yes / Councilman Morreale – Yes / Councilman Myers – Yes / Supervisor Broderick – Yes **Carried 5 – 0.**

Finance - Budget Revisions - Agnello request approval of the following transfers:

2021 Budget – Transfer \$476 from Transmission & Distribution Contractual - SW1-8340-0400-0000 to Water Administration Contractual - SW1-8310-0400-0000, to cover Badger Meter software license. 2022 Budget – Transfer \$256,217 from Fund Balance - DB0-1000-0599-0000 to Permanent Improvement - DB0-5112-0400-0000, to cover additional paving expenses. Transfer 100,000 from Fund Balance - SS2-1000-0599-0000 to Sanitary Sewer Equipment - SS2-8120-0200-0000, to cover pump purchases.

Geiben MOVED the following transfers: 2021 Budget – Transfer \$476 from Transmission & Distribution Contractual - SW1-8340-0400-0000 to Water Administration Contractual - SW1-8310-0400-0000, to cover Badger Meter software license. 2022 Budget – Transfer \$256,217 from Fund Balance - DB0-1000-0599-0000 to Permanent Improvement - DB0-5112-0400-0000, to cover additional paving expenses. Transfer 100,000 from Fund Balance - SS2-1000-0599-0000 to Sanitary Sewer Equipment - SS2-8120-0200-0000, to cover pump purchases, Seconded by Jacoby and Carried 5 – 0.

Investment Report

Agnello updated the Board on Town Investments. The Town had a one-year investment mature on June 16th and the Town earned \$343.

Due to the favorable market interest commission, the Town made two investments for a year. In comparison to last years, the yield being 0.04, and this year the yield will be 2.868, with interest amount approximately \$25,000.

Niagara University Solar Generation Facility

Jacoby read correspondence from the Planning Board. The Town Board and Environmental Commission granted a Negative Declaration. The Planning Board recommends approval of the

Site Plan / Special Use Permit based on the condition that the plan of a fire access be finalized to the approval of the Building Inspector and Fire Dept.

Jacoby MOVED the following Resolution, Seconded by Geiben

WHEREAS, the Town of Lewiston received an application from Niagara University/Montante Solar for a Special Use Permit and Site Plan review for a utility scale solar

energy system to be located on a parcel, identified as SBL: 115.00-1-12, which is part of the campus of Niagara University, 5759 Lewiston Road, Lewiston, New York, (the "Project"); and

WHEREAS, the Town of Lewiston Planning Board reviewed the proposed project and recommended approval, with conditions, to the Town Board of the Town of Lewiston; and

WHEREAS, the Town of Lewiston Town Board, on June 27, 2022 did hold a duly advertised Public Hearings at Lewiston Town Hall, 1375 Ridge Road, Lewiston, New York, regarding the application for a Special Use Permit and site plan review of the proposed utility scale solar energy system and at such public hearing every party wishing to be heard was heard; and

WHEREAS, the Town of Lewiston Town Board had previously considered SEQRA and approved a "negative declaration" on this project, and

WHEREAS, the Town Board has considered all relevant testimony, documents, and all other information presented and placed before it;

NOW THEREFORE BE IT RESOLVED, that based on the testimony, documents, and other information presented, the Town Board makes the following findings:

a. That the use, a utility scale solar energy system, is designed, located and proposed to be operated so the public health, safety, welfare and convenience will be protected, to wit: the project has been designed and located such that the solar panels will be behind hedges and vegetation substantially reducing its visibility and impact to neighboring properties and public highways and the solar panels are enclosed by a chain link fence which inhibits physical access to the system. Additionally, the project is also located in a relatively sparsely populated area of the Town, and a glare study submitted by the applicant shows no glare impact from the project; and

b. That the use, a utility scale solar energy system, will not cause substantial injury to the value of other property in the neighborhood where it is located, to wit: the project has been designed and located, such that the solar panels will be behind hedges and vegetation thus substantially reducing its visibility and impact to neighboring properties, additionally the neighborhood where such project is proposed is largely occupied by institutional uses and few if any residential homes; and

c. That the use, a utility scale solar energy system, will be compatible with adjoining development and the character of the neighborhood where it is located, to wit: the neighborhood the project is located in is largely industrial in nature, the closest residential home being located over one-half mile from the project. The location of this project generally consists of institutional uses, including the applicant, Niagara University. Based on the foregoing, the character of the neighborhood will not be affected.

d. That the use, a utility scale solar energy system, provides adequate screening to preserve the character of the neighborhood, to wit: the existing neighborhood has few if any residential homes that could see the project from their private property. The project is located amongst

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other institutional landowners who have not objected to the project. Screening and vegetation are provided for beautification purposes.

e. That the use, a utility scale solar energy system, provides adequate off-street and loading and the special use will not substantially interfere with traffic on abutting streets, to wit: while the project will cause an increase in traffic during construction that impact is not expected to be substantial and will be limited in time to the period of construction only. Once completed, the nature of the project does not require the presence of employees or other staff beyond periods of required maintenance; and

BE IT FURTHER RESOLVED that the Site Plan Approval and Special Use Permit for operation of a utility scale solar energy system to be located on a parcel, identified as SBL: 115.00- 1-12, which is part of the campus of Niagara University, 5759 Lewiston Road, Lewiston, New York is granted, with the following conditions:

1) Submission of a fully funded decommissioning bond, with decommissioning plan, in substance and form acceptable to the Attorney for the Town and the Town Engineer, prior to issuance of a building permit.

2) Continued compliance with all requirements of Article XXVIII of the Town Code (Solar Energy Systems), as amended.

3) A PILOT agreement with the Town of Lewiston must be agreed to and fully executed prior to the issuance of a building permit.

Carried 5 – 0.

COUNCILMAN GEIBEN

Bicentennial Proclamation - Geiben read into the record:

WHEREAS, 2022 brings to the Town and Village of Lewiston a celebration that has been Two Hundred Years in the making. The weekend of July 1 – 4, 2022 the Town of Lewiston and Village of Lewiston, will celebrate its 200th Birthday, and

WHEREAS, Bicentennial Celebrations will start with an Official Kick-Off – Ringing of the Bells, concerts, Bicentennial Parade, Buffalo Philharmonic performance, Local Bands, Bicentennial Marble Orchard Ghost Walk and Potter’s Field Monument Dedication at the Village Cemetery, and

WHEREAS, the final day of celebration will conclude with a Spectacular Fireworks Show from Lewiston Plateau, and

WHEREAS, with all of us enjoying and being together, we are sure to make the Lewiston Bicentennial celebration a very memorable one.

NOW, THEREFORE BE IT RESOLVED, the Town of Lewiston Town Board proudly joins in, with all, in the celebration of 200 Years of Lewiston.

Sanborn Farm Museum – Geiben announced upcoming events at the Museum

Striping – Parking lot – Senior Center / Town Hall - Olick reached out to over 15 companies for a quote. Two quotes were received.

The bids are for sealing the Town Hall parking lot, striping the Town Hall parking lot and the Lewiston Senior Center. Perfect Seal 716, LLC – Town Hall striping - \$1,800 and Senior Center

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- \$2,600. Town Hall sealing - \$6,000. BRM – Buffalo Road Marking, Inc. Town Hall striping & Senior Center - \$4,800. Town Hall sealing - \$6,400.

Geiben MOVED to award the bid to Perfect Seal 716, LLC for the striping of Lewiston Town Hall at \$1,800 and the Senior Center at \$2,600, Seconded by Jacoby and Carried 5 – 0.

Geiben MOVED to award the bid to Perfect Seal 716, LLC for the sealing of the Lewiston Town Hall parking lot at \$6,000, Seconded by Morreale and Carried 5 – 0.

Recreation Program Hires – Director Cvijetinovic requests Board approval of Summer Recreation Program Staff hires.

Geiben MOVED to approve the hiring of Placek, Holly and Commisso, Kelli – Recreation Leader P/T - \$13.20/hour, Seconded by Morreale and Carried 5 – 0.

COUNCILMAN JACOBY

Police Dept. Camera disposal - No bids received on Auctions International back in March.

Geiben MOVED to discard the General Binding Corp Polaroid Camera, Seconded by Morreale and Carried 5 – 0.

Resolution Approval – 2660 Saunders Settlement Road - Solar Project

Jacoby MOVED to the following Resolution, Seconded by Myers

WHEREAS, the Town of Lewiston received an application from Borrego Solar Systems, Inc. for a Special Use Permit and Site Plan review for a utility scale solar energy system to be located at 2660 Saunders Settlement Road, Lewiston, New York; and

WHEREAS, the Town of Lewiston Planning Board reviewed the proposed project and recommended approval, with conditions, to the Town Board of the Town of Lewiston; and

WHEREAS, the Town of Lewiston Town Board, on May 23, 2022, did hold a duly advertised Public Hearing at Lewiston Town Hall, 1375 Ridge Road, Lewiston, NY, regarding the application for a Special Use Permit and Site Plan review of the proposed utility scale solar energy system and at such public hearing every party wishing to be heard was heard; and

WHEREAS, the Town Board has considered all relevant testimony, documents, and all other information presented and placed before it;

NOW THEREFORE BE IT RESOLVED, that based on the testimony, documents, and other information presented, the Town Board makes the following findings:

a. That the use, a utility scale solar energy system, is designed, located and proposed to be operated so the public health, safety, welfare and convenience will be protected, to wit: the project has been designed and located such that the solar panels will be behind hedges and vegetation substantially reducing its visibility and impact to neighboring properties and public highways and the solar panels are enclosed by a chain link fence which inhibits physical access to the system; and

b. That the use, a utility scale solar energy system, will not cause substantial injury to the value of other property in the neighborhood where it is located, to wit: the project has been

designed and located, such that the solar panels will be behind hedges and vegetation thus substantially reducing its visibility and impact to neighboring properties; and

c. That the use, a utility scale solar energy system, will be compatible with adjoining development and the character of the neighborhood where it is located, to wit: the neighborhood the project is located in is zoned rural residential which allows for such uses pursuant to special use permit and site plan approval. The rural residential zone generally consists of large lots with single family homes and/or large farming operations, vacant areas, or woods. The character of the neighborhood will not be affected since the project has been designed to substantially minimize and obscure the solar panels from view of neighboring properties and public highways; and

d. That the use, a utility scale solar energy system, provides adequate screening to preserve the character of the neighborhood, to wit: the project is located on a lot with existing hedges and vegetation surrounding the panel site and applicant is providing additional screening and vegetation to obscure sight lines of the system; and

e. That the use, a utility scale solar energy system, provides adequate off-street and loading and the special use will not substantially interfere with traffic on abutting streets, to wit: while the project will cause an increase in traffic during construction that impact is not expected to be substantial and will be limited in time to the period of construction only. Once completed, the nature of the project does not require the presence of employees or other staff beyond periods of required maintenance; and

BE IT FURTHER RESOLVED that the Site Plan Approval and Special Use Permit for operation of a utility scale solar energy system at 2660 SAUNDERS SETTLEMENT ROAD, LEWISTON, New York, is granted, with the following conditions:

1) Submission of a fully funded decommissioning bond, with decommissioning plan, in substance and form acceptable to the Attorney for the Town and the Town Engineer, prior to issuance of a building permit.

2) Continued compliance with all requirements of Article XXVIII of the Town Code (Solar Energy Systems), as amended.

3) A PILOT agreement with the Town of Lewiston must be agreed to and fully executed prior to the issuance of a building permit.

4) Solar energy system to be constructed and operated in accordance with the New York Department of Agriculture & Markets: Guidelines for Agricultural Mitigation for Solar Energy Projects.

5) That the project includes the installation of a 320-foot temporary fence with visual shielding be erected by Borrego Solar Systems, Inc. on the east side of the subject installation. Said fence shall be installed to the satisfaction of the Town of Lewiston Engineer.

COUNCILMAN MORREALE

Briar Oaks (Perry Subdivision) 90-day Extension Mylar submission to County

Advance Design Group, representing Briar Oaks owner, requests a 90-day extension for the filing of the mylars for the Briar Oaks Subdivision. Original file date was May 29, 2022. Due to increasing construction costs, material shortages and on-going changes to the housing and new-home construction market, the Applicant needs additional time before filing.

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Morreale MOVED to give a 90-day extension for the filing of the mylars for the Briar Oaks Subdivision, Seconded by Geiben and Carried 5 – 0.

Sewer Fee Waived – DiCesare – Scovell Drive / Sewer Fee Waived – Bajor – Buffalo Street. Ritter said they both fit within the Sewer Use Agreement.

Morreale MOVED to forgive the sewer fee of \$69.53 for DiCesare – 711 Scovell Dr., Seconded by Jacoby and Carried 5 – 0.

Morreale MOVED to forgive the sewer fee of \$25.61 for Bajor – 5775 Buffalo Street, Seconded by Jacoby and Carried 5 – 0.

Approve Auction International WPCB bids

Seven items were placed on Auctions International at the beginning of June.

Morreale MOVED to accept \$1,250 for the 1997 Chevy C/K 2500 Pickup Truck, Seconded by Jacoby and Carried 5 – 0.

Morreale MOVED to accept \$1,275 for the 2006 F350 Super Duty Service Truck, Seconded by Jacoby and Carried 5 – 0.

Morreale MOVED to accept \$930 for the 2006 E350 Super Duty Transport Bus, Seconded by Jacoby and Carried 5 – 0.

Morreale MOVED to accept \$1,825 for the 1977 International 364 Tractor with attachment, Seconded by Jacoby and Carried 5 – 0.

Morreale MOVED to accept \$1,850 for the 1976 Ford 6' Trash Pump, Seconded by Jacoby and Carried 5 – 0.

Morreale MOVED to accept \$510 for the 1960 Ford 6' Trash Pump, Seconded by Jacoby and Carried 5 – 0.

Morreale MOVED to accept \$1,575 for the 1977 Ford 6' Trash Pump, Seconded by Jacoby and Carried 5 – 0.

COUNCILMAN MYERS Nothing to report

Supervisor thanked Margaret Maggard for all her work on the Bicentennial Celebration.

Geiben MOVED to adjourn, Seconded by Jacoby and Carried 5 – 0. (7:16 pm)

Transcribed and respectfully submitted by:

Donna R. Garfinkel, Town Clerk